



City of Santa Barbara
Police Department

Memorandum

DATE: November 17, 2011

TO: Fire and Police Commission

FROM: Holly Perea, Police Technician

SUBJECT: Review of Nightclub Dance Permit: Baja Sharkeez, 416 State St

DISCUSSION:

On January 28, 2008, the City of Santa Barbara's Dance Ordinance was updated. Among the updates was the introduction of a "Penalty Matrix" (Attachment 1): a progressive scale of penalties and repercussions for nightclub permit holders that incur multiple violations of the Dance Ordinance, the terms of their ABC license, or local or state laws. The Penalty Matrix was established over a number of months through a culmination of meetings with City staff, stakeholders, and the public. In accordance with the Penalty Matrix, a nightclub's dance permit may be brought before the Fire and Police Commission for review if a pattern of violations occurs.

It was recently brought to the attention of the Police Technician by Nightlife Enforcement Officers that Baja Sharkeez at 416 State Street has been the location of multiple citations to patrons under the age of 21 years old found to be consuming alcohol and/or intoxicated within the premise. A review of the premise's "general offense" crime statistics for the 2011 calendar year revealed that within the past 10 months, from January 1, 2011 through November 1, 2011, nine citations were issued to minors found to be drinking inside the nightclub at 416 State St. Five of those citations were issued within the two-week period from October 20, 2011 through November 1, 2011, some occurring on consecutive nights.

The nine citations break down as such:

- 5 underage patrons who successfully used false identification to gain access into the club as "adults."
- 3 underage patrons found by officers to be wearing blue wristbands which are used by Baja Sharkeez to distinguish patrons 21 years of age or older. No false identification was found on these patrons.
- 1 underage patron who was unconscious inside the nightclub when discovered by officers. This patron was so highly intoxicated when roused that she required medical attention. This patron was in possession of false identification, but was clearly marked as an underage patron by staff.

Adjudication is still pending on the most recent 5 citations issued between October 20, 2011 and November 1, 2011. The citations issued previously this year were adjudicated as follows:

SBPD Case	Adjudication date	Conviction
11-8453	3/02/11	415 PC – Disturbing the Peace
11-17339	3/14/11	25662 B&P – Minor in Possession
11-17859	7/13/11	415 PC – Disturbing the Peace
11-20844	7/22/11	415 PC – Disturbing the Peace

Copies of all of the aforementioned citations and narratives are attached.

Verbal warnings were issued to Baja Sharkee management on multiple occasions by Nightlife Officers in accordance with the “Penalties and Repercussions” section of the Penalty Matrix for the “1st Violation”. However, because the 2nd through 10th violations were all discovered concurrently, the matter was brought to the attention of the Fire and Police Commission based on the section of the Penalty Matrix that states “The above lists are not exhaustive and are to be regarded as guidelines. The Fire and Police Commission has the discretion to review any/all incidents and take appropriate action to ensure the public’s health, safety, and welfare.”

RECOMMENDATION:

It is recommended that the Commission uses the Penalty Matrix as a guideline in determining the appropriate action to mitigate growing concerns about the premise’s operations. In this regard, the Police Department recommends that the Commission considers adding a condition to the dance permit which would prohibit dancing after 10:00 pm nightly when patrons under the age of 21 are on premise.

ATTACHMENTS:

1. Penalty Matrix
2. Redacted copies of all nine citations and narratives listed above.